FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOBBY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2349 OF 2006

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	:	Court's or Judge's Orders

Mr. Sandesh Patil i/b S.R. Patil for petitioners

Ms. M.H. Mhatre, APP

CORAM: SMT. RANJANA DESAI, J.
DATED:-4/12/2006

P.C.:-

The petitioners have challenged in this writ petition, order dated 19/11/05 passed by the Judicial Magistrate, First Class, Wada, issuing process against the petitioners under Section 500 of the Indian Penal Code and the order dated 25/9/06 whereby the learned Sessions Judge dismissed the revision application filed by the petitioners.

I have heard the learned counsel appearing for the petitioners. The learned counsel contended that the complaint filed by the 1st respondent

is frivolous. He submitted that the said complaint is a counterblast to the application dated 15/9/05 filed by the petitioners to the police complaining about the activities of the 1st respondent. The learned counsel contended that the learned Sessions Judge ought to have held that the instant case is covered by the 1st and 2nd exception to Section 499 of the I.P.C. He placed heavy reliance on the illustration to the eighth exception and contended that the present case is covered by it. He contended that in the circumstances the impugned order deserves to be set aside.

I am not inclined to interfere with the impugned order. In my opinion, the learned Sessions Judge has rightly held that whether the allegations were made for public good or that they were made in good faith can only be decided at the trial after the evidence is adduced. As to whether the present case is covered by any of the exceptions can also be

decided after the evidence is adduced. Hence petition cannot be entertained. Needless to say that after the evidence is adduced, the trial court will examine all contentions of the parties.

I make it clear that I have not expressed any opinion on the merits of the case.

The petition is rejected.

JUDGE.